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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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02/19/2002

Arthur G Yeager P A
112 West Adams Street
Ste 1305
Jacksonville, FL 32202

EXAMINER

HAWKINS GAY, JENNIFER M

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 02/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/496,467

Applicant(s)

BODKIN, LAWRENCE E

Examiner

Jennifer H Gay

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3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 9, 10 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. In response to applicant's Supplemental Amendment, which crossed in the mail with the Office Action mailed on 19 February 2002, this new Office Action is being mailed.

The period for reply of 3 MONTHS set in the previous Office Action is restarted to begin with the mailing date of this Office Action.

Claim Objections

2. Claims 9, 10, and 17 are objected to because of the following informalities: in claims 9 and 10, a comma should be added after "body" in line 1 and after "shaping" in line 2; in claim 17, a comma should be added after "walls" in line 1 and after "cavity" in line 3 and in line 3 "has" should be changed to --have--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 5-8, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Many of the above claims contain vague and confusing language. Examples of such language can be found in line 6 of claim 2 and 8 of claim 5.

Line 6 of claim 2 recites "liquid". The claim is considered vague and confusing because it is unclear if applicant is referring to the liquid mentioned in line 3 of claim 1 or a new and separate liquid. It is suggested that line 6 be changed to read --the liquid--.

Line 8 of claim 5 recites "a body". The claim is considered vague and confusing because it is unclear if applicant is referring to the body mentioned in line 5 of the claim or a new and separate body. It is suggested that line 8 be changed to read --the body--.

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The remainder of the claims should be reviewed for similar errors and corrected accordingly.

Claim 6 is also considered indefinite because the claim from which it depends, claim 5, is considered indefinite.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-19 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. All of the above claims are directed toward the Applicant's "revised buoyancy law". Laws of nature, such as Archimedes' Principle (see Elementary Fluid Mechanics, pages 64 and 65 and *Archimedes' Principle*), are not considered statutory subject matter thus are not patentable and, as seen in Physics, 4th Edition, the Applicant's "revised buoyancy law" is considered part of the established law of buoyancy. Further, any new discoveries, such as a new law of nature, are considered "manifestations of...nature, free to all men and reserved exclusively to none." (See MPEP 2105)

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Physics, 4th Edition.

Physics discloses that when an object, such as a ship, is placed in a cavity that is conformal in shape to that object and the space between the walls of the cavity and the sides of the object is small, all that is needed to float the object is a "very small volume" of liquid that

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could "fit into a single glass". The walls of this cavity are of a height that is greater than the height reached by the fluid when the object is placed in the cavity. (See page 321, Conceptual Example 9 and Figure 11.21)

Response to Arguments

9. In view of the applicant's amendment, the claim objections and 35 USC 112.2 rejection of the claims recited in the previous Office Action have been withdrawn. However, the amendment has presented new objections and 35 USC 112.2 rejections.

10. In response to applicant's arguments that the applied references do not have fronts and backs nor are the conformal cavities, the examiner agrees. The rejections based on those references have been withdrawn.

11. Applicant's arguments filed 2 January 2002 have been fully considered but they are not persuasive. Further, applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

The examiner acknowledges the applicant's intent to submit affidavits from "academically qualified and authoritatively recognized faculty members of educational institutions who have witnessed demonstrations and [can] attest to the validity of the applicant's claimed invention". The examiner no longer disputes the validity of the applicant's claims, however, this does not negate the fact that the applicant's is claiming an established principle/natural law. The federal courts have upheld that natural laws are not patentable.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H Gay whose telephone number is (703) 308-2881. The examiner can normally be reached on Monday-Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (703) 308-2151. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JHG 

February 21, 2002


DAVID BAGNELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600